In the High Court of Punjab and Haryana, Chandigarh

CWP No. 16340 of 2006

Date of Decision: October 13, 2006

Amanullah Khan

…Petitioner

Versus

State of Haryana and others

…Respondents

**CORAM: HON'BLE MR. JUSTICE M.M. KUMAR**
**HON'BLE MR. JUSTICE M.M.S. BEDI**

PRESENT: Mr. H.P. Singh, Advocate,
for the petitioner.

**JUDGMENT**

**M.M. KUMAR, J. (Oral)**

The instant petition is directed against the order dated 4.10.2006 (P-3) transferring the petitioner from Hathin to Punhana in the office of the Block Development and Panchayat Officer as Gram Sachiv. The petitioner was appointed as Gram Sachiv on 9.6.1993 on regular basis and posted as such at Punhana, District Gurgaon (now in District Mewat). He was transferred from Punhana to Bilaspur in District Yamuna Nagar on 1.6.1998. In November, 1998 he was transferred from Bilaspur to Nagina in District Gurgaon (now in District Mewat). In the month of November 1999, the petitioner was transferred from Nagina to Hathin. From Hathin, the petitioner was

transferred to Loharu vide order dated 25.2.2002 and after 7 months he was again brought back to Hathin. In January 2004, the petitioner was posted at Nuh. The petitioner was ordered to be transferred on 29.6.2006 (P-1) from Hathin to Punhana, which transfer order was cancelled on 1.8.2006 (P-2). However, the order dated 29.6.2006 (P-1) has been restored by the impugned order dated 4.10.2006 (P-3). The petitioner has levelled allegation of mala fide against respondent No. 3 Shri Harsh Kumar, M.L.A. representing Hathin Constituency in the Assembly.

Having heard learned counsel we are of the considered opinion that the petitioner for one reason or the other wants to continue at Hathin. When he was transferred by order dated 29.6.2006 (P-1), the same was cancelled on 1.8.2006 (P-2). But the respondents have restored back the order dated 29.6.2006 (P-1) by passing the impugned order dated 4.10.2006 (P-3). The impugned order appears to have been passed wholly in public interest. In so far as the allegations of mala fide levelled against respondent No. 3 are concerned, we are not impressed because no connection has been established between the petitioner and respondent No. 3. The only allegation is that respondent No. 3 entertains a doubt that the petitioner is not his supporter. Such an allegation is absolutely vague and cannot constitute the basis to record a finding that respondent No. 3 entertains any mala fide against the petitioner. The allegations of mala fide are required to be elaborated by connecting the respondent with the petitioner substantially so as to constitute a basis for passing

any administrative order as has been pointed out by Hon'ble the Supreme Court in the case of **Pratap Singh v. State of Punjab, AIR 1964 SC 72.** There is, thus, no merit in the petition.

Dismissed.

**(M.M. KUMAR)**
**JUDGE**

**(M.M.S. BEDI)**
**JUDGE**

**October 13, 2006**

Pkapoor